



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE CABINET**

**WEDNESDAY 12TH JULY 2017, AT 6.00 P.M.**

**PARKSIDE SUITE - PARKSIDE**

**SUPPLEMENTARY DOCUMENTATION**

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

5. Application for Registration as an Asset of Community Value - Fairfield Stores, Stourbridge Road, Fairfield (Pages 1 - 14)

**K. DICKS**  
**Chief Executive**

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

5th July 2017

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### **CABINET**

12 JULY 2017

#### **FAIRFIELD POST OFFICE AND GENERAL STORES, 81 STOURBRIDGE ROAD, FAIRFIELD, BROMSGROVE B61 9LY**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	Belbroughton and Romsley
Key Decision – N/A	

#### **1. SUMMARY OF PROPOSALS**

To consider a request to list Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY as an Asset of Community Value.

#### **2. RECOMMENDATIONS**

**That Cabinet consider the contents of the report in relation to Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY and decide to either:-**

- (a) Support listing as an Asset of Community Value; or**
- (b) Not support listing as an Asset of Community Value**

#### **3. KEY ISSUES**

3.1 As Members are aware from previous reports the Localism Act included the 'Community Right to Bid' which gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being so that if it comes up for sale there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders but there is no preference given to the local community bid.

3.2 A nomination has been received for the Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY. The nomination has been submitted by Belbroughton and Fairfield Parish Council. The nomination of an asset does not give any organisation an advantage in any future purchase. Belbroughton and Fairfield Parish Council is requesting that the Fairfield Post Office and

### **CABINET**

12 JULY 2017

General Stores is listed to enable it to continue to operate as community asset in the future.

- 3.3 The following documents have been submitted by Belbroughton and Fairfield Parish Council in support of the nomination and are attached at Appendix 1:-
- Nomination Form – Appendix 1 and attachments including a location plan
- 3.4 The nomination supports the inclusion of the asset due to the fact that Fairfield Post Office and General Stores provides a number of services that they believe further the social wellbeing and interests of the local community. These are detailed in section B4 of the nomination form attached at Appendix 1.
- 3.5 Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY is owned by Kalmaljit Ohri, Sandeep Ohri and Rajveer Viridi. A consultation letter has been sent to the land owners and they have been phoned but no response has been received to date. The owners have two weeks to make comments and were consulted on 4 July. The Head of Planning and Regeneration will consider comments received before making a decision in consultation with the relevant portfolio holder. The current view of the Head of Planning and Regeneration is that the building currently fulfils a community function and that this could realistically continue in the future.
- 3.6 In accordance with the process for nominations of Assets of Community Value the ward councillors for Belbroughton and Romsley Ward Councillors Margaret Sherrey and Chris Allen-Jones has been consulted and have indicated support for the nomination.

#### **Financial Implications**

- 3.7 Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. As previously reported to Council, Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government. The owners also have a right to appeal the decision made by the Council in agreeing that the building be included on the Assets of Community Value.

#### **Legal Implications**

- 3.8 The Localism Act 2011 made provision for a new system of listing of assets of community value, giving community groups the right to make

### **CABINET**

12 JULY 2017

nominations, and requiring local authorities to maintain local registers. Further more detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.

- 3.9 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“A building or other land in a Local Authority’s area is land of community value if in the opinion of the authority:-

- (a) an actual current use of the building or other land that is not an ancillary user furthers the social well-being or social interests of the local community, and
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community.”

- 3.10 It is worth noting that any sale of a going concern business would be exempt from the legislation relating to assets of community value. Therefore if the pub was to be sold on as a going concern the 6 month moratorium would not apply.

- 3.11 Members are reminded that under the process for assets of community value introduced in November 2012 the final decision regarding whether to list an asset rests with the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration.

- 3.12 Officers would draw Members attention to the following:-

- There has to be an identifiable local interest in having the asset nominated and Members needs to be satisfied that there is evidence of this in the application form.
- Each ACV application must be judged on its own merits and if it meets the statutory criteria, be listed. It is not a relevant consideration that there may be a number of other similar properties nearby which may also satisfy the test.

#### **Service/Operational Implications**

- 3.13 There are no specific operational implications for the District. The list of nominated assets is maintained by Land Charges officers and is available on the Councils Website.

**Customer / Equalities and Diversity Implications**

- 3.14 The approval of the nomination of Fairfield Post Office and General Stores would ensure that should the property be declared for sale any community group would be able to express an interest in purchasing the asset. This would result in up to 6 months of moratorium whereby any sale could only be to a community group. Following this the owner can sell to any purchaser. This excludes the sale as a going concern.

**4. RISK MANAGEMENT**

- 4.1 The register will be maintained to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

**APPENDICES**

Appendix 1 - Nomination Form and attachments.

**AUTHOR OF REPORT**

Name: Ruth Bamford  
E Mail: [r.bamford@bromsgroveandredditch.gov.uk](mailto:r.bamford@bromsgroveandredditch.gov.uk)  
Tel: (01527) 883219

**BROMSGROVE DISTRICT COUNCIL**

**ASSETS OF COMMUNITY VALUE – THE COMMUNITY  
RIGHT TO BID**

**NOMINATION FORM**

**Section A: About your organisation**

**A1 Organisation's name and address**

Name of organisation*	Belbroughton and Fairfield Parish Council
Address including postcode	Belbroughton and Parish Council c/o Millers Cottage, Pinkham, Cleobury Mortimer, Kidderminster DY14 8QE

*\*full name as written in your constitution or rules (if appropriate)*

**A2 Contact details**

Name	John Farrell
Position in organisation	Parish clerk
Address including postcode	Millers Cottage, Pinkham, Cleobury Mortimer Kidderminster DY14 8QE
Daytime telephone no.	01299 270722
Email address	belbroughtonpc@live.co.uk
How and when can we contact you?*	e mail or phone 9.00am – 5.00pm Mon – Thu.

*\*by email or phone, and days of the week and/or times of day you would prefer*

**A3 Type of organisation**

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

**A4 Number of members registered to vote locally (unincorporated bodies only)**

All 14 members of the Parish Council are registered to vote.

**A5 Local connection**

Parish Council



**A6 Distribution of surplus funds (certain types of organisation only)**

No Parish Council funds, surplus or otherwise, are distributable to any of the members of the Parish Council

**A7 More about your organisation**

The Parish Council aims to provide and deliver appropriate services to the community. It also aims to improve the quality of life for all residents of its area and represent its views.

**A8 Your organisation's rules**

<b>Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is</b>	<b>X</b>
Memorandum and Articles of Association (for a company)	n/a
Trust Deed (for a trust)	n/a
Constitution and/or rules (for other organisations)	n/a - the Belbroughton & Fairfield P.C. is a registered Parish Council and is bound by the various Acts of Parliament.

## Part B: About the land or building(s) you are nominating

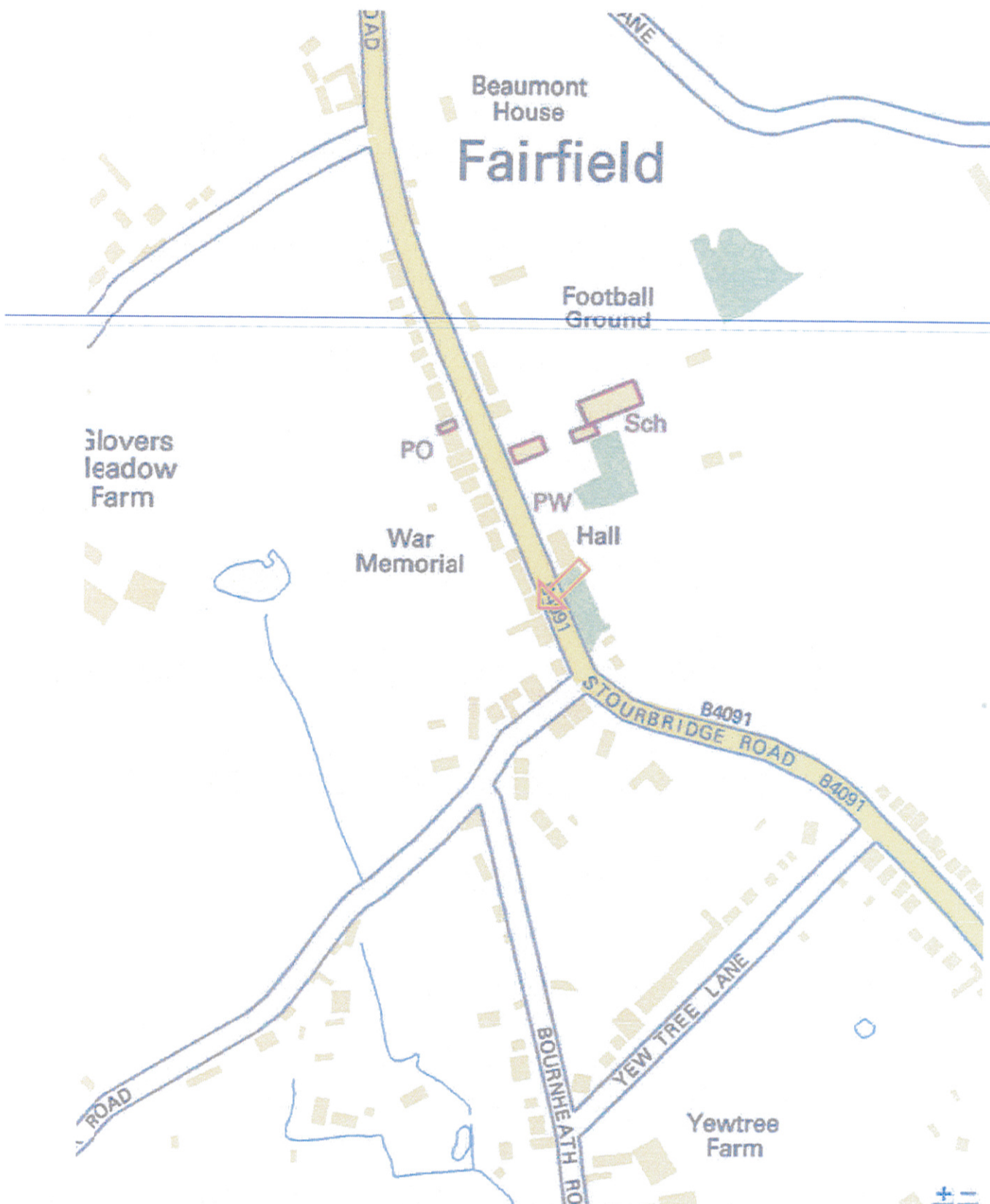
### B1 Description and address

What it is (eg. pub, local shop) Local post office, village stores and community café.
Name of premises (eg. Post office , Community Centre) Fairfield Village Post Office and General Stores
Address including postcode (if known) 81, Stourbridge Road, Fairfield, Bromsgrove, B61 9LY

### B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land.  
This should show:-

- Please see separate sheets with – location – photo – plan.



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[Landscape](#)  
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Google Maps

112 B4091

81 Stourbridge Rd Fairfield



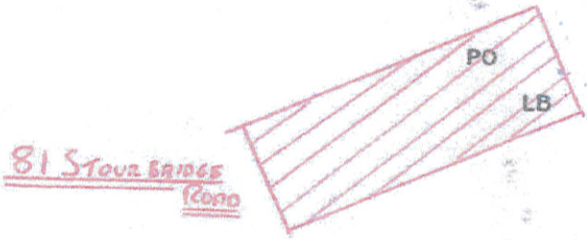
Image capture: Aug 2009 © 2017 Google

Fairfield, England

Street View - Aug 2009



Play Are



St Mark's Church

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Ordnance Survey 100024230



**B3 Owners and others with an interest in the building or land**

*You should supply the following information, if possible. If any information is not known to you, please say so.*

	<b>Name(s)</b>	<b>Address(es)</b>
Names of all current occupants of the land	Kalmaljit Ohri Sandeep Ohri Rajveer Viridi	Same as B1.
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	Kalmaljit Ohri Sandeep Ohri Rajveer Viridi	81 Stourbridge Rd Fairfield B61 9LY
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	The Post Office & café is operated by the f/holders.  A separate short term licence exists for retail shop details not known.	

## **B4 Why you think the building or land is of community value**

*Note that the following are not able to be assets of community value:-*

- *A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

The local shop and Post Office, forming part of this freehold premises provides a vital service for the residents of Fairfield. The café is a local point of community contact.

The premises thus enhances the social wellbeing of residents particularly those who do not have access to their own transport to enable usage of similar services a distance from their homes. The elderly especially would suffer should these services cease to exist.

Indeed, having such services locally means that less traffic is generated elsewhere in the adjacent parish areas as those with transport will have no alternative but to use their cars. The public transport services are felt to be barely adequate and always appear to be subject to review as regards sustainability.

Having a local shop and Post Office helps maintain social cohesion.

Current use as a Post Office and general stores plus café should continue and uses may be enhanced with local initiatives to promote greater use and variety of enterprises for the retail area of the site.

*\*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

## Section C: Submitting this nomination

### C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

### C2 Signature

*By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.*

Signature

for Belbroughton and Fairfield Parish Council

### C3 Where to send this form

You can submit this nomination:-

- **By post to:** Jayne Pickering , Executive Director Finance and Resources, Bromsgrove District Council , Council House , Bromsgrove B60 1AA
- **By email to:** [j.pickering@bromsgroveandredditch.gov.uk](mailto:j.pickering@bromsgroveandredditch.gov.uk)

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